

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

ANTWHON SUITER,)
)
Plaintiff)
)
v.) Civil Action No.: 5:22-cv-31
)
COUNTY OF AUGUSTA, et al,)
)
Defendants)

DEFENDANT JOHNSON'S ANSWER

Defendant Dylan Johnson, by counsel, files this Answer to the complaint¹ as follows:

1. Paragraph 1 asserts conclusions of law to which no response is required. To the extent a response is required, Defendant denies same.
2. Defendant admits paragraphs 2, 3, and 4.
3. With respect to paragraph 5, 6, and 7, Defendant admits only that the Augusta County Sheriff's Office is in the location alleged. Defendant denies any allegations that the Augusta County Sheriff's Office is a legally recognized entity separate from the Sheriff.
4. With respect to paragraph 8, Defendant admits that Donald Smith is the elected sheriff of Augusta County. The remaining allegations asserts conclusions of law to which no response is required.
5. Defendant admits paragraphs 9, 10, and 11.

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¹ The complaint contains duplicate numbers of paragraphs and is missing others. Defendant responded in sequential order to the paragraphs, but utilized the numbers as identified in the complaint.

6. Paragraphs 12, 13, 14, 15, 16 and 17 assert conclusions of law to which no response is required. Defendant admits that venue is proper. Defendant denies any allegations that the Augusta County Sheriff's Office is a legally recognized entity separate from the Sheriff.

7. Defendant denies the allegations in paragraphs 18, 19, 20, and 21.
8. Defendant admits paragraph 23.
9. Defendant denies paragraphs 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.
10. Defendant admits paragraph 34.
11. Defendant denies paragraphs 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 including subparts, and 48.
12. In response to paragraph 46, Defendant incorporates the foregoing responses.
13. Defendant denies paragraphs 47, 48, 49, and 50.
14. In response to paragraph 51, Defendant incorporates the foregoing responses.
15. Defendant denies paragraphs 52, 53, 54, 55, 56 including subparts, 57, and 58.
16. In response to paragraph 58, Defendant incorporates the foregoing responses.
17. Defendant denies paragraphs 59, 60, 61, 62, and 63.
18. In response to paragraph 64, Defendant incorporates the foregoing responses.
19. Defendant denies paragraphs 65, 66, 67, 68, 69, and 70.
20. Defendant denies all allegations not explicitly addressed.
21. Defendant denies that Plaintiff is entitled to any of the relief requested.
22. Defendant asserts that he is entitled to qualified immunity.
23. Defendant asserts that he is entitled to sovereign immunity.
24. Defendant asserts that Plaintiff's claims are barred in whole or in part by his own illegal acts.

25. Defendant denies that a seizure occurred, and to the extent that one did occur, it was legally justified and limited in duration and scope.

26. Defendant asserts that any detention was based on reasonable suspicion or probable cause based upon Defendant's observations of Plaintiff's high rate of speed and erratic driving in a residential neighborhood.

27. Defendant denies that Plaintiff was "searched," or that force was used at any time.

28. Defendant denies that Plaintiff was targeted for any reason.

29. Defendant asserts that Plaintiff's claim is barred in whole or in part by his failure to mitigate damages.

30. Defendant denies that Plaintiff was exercising any protected right under the First Amendment at any time relevant to this case.

31. A jury trial is demanded.

DYLAN JOHNSON,

By Counsel

By: /s/ Rosalie Pemberton Fessier
Rosalie Pemberton Fessier
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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2022, I have electronically filed this document with the Clerk of the Court using the CM/ECF system.

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Antwhon Suiter
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Staunton, VA 24401
Pro se plaintiff

/s/ Rosalie Pemberton Fessier
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